



**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION
1190 St. Francis Drive, Suite S-2102
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CONSTITUENT AGENCIES

Environment Department	State Engineer & Interstate Stream Commission
Game and Fish Department	Oil Conservation Division
Department of Agriculture	Department of Health
State Parks Division	Soil and Water Conservation Commission
Bureau of Mines and Mineral Resources	Members-at-Large

**Meeting Minutes
New Mexico Water Quality Control Commission
Regular Meeting
October 13, 2015
9:00 a.m.
State Capitol Building, Room 307
490 Old Santa Fe Trail
Santa Fe, New Mexico 87501**

MEMBERS PRESENT:

Larry Dominguez	Vice Chair, Department of Agriculture
Butch Tongate	New Mexico Environment Department
Scott Dawson	Oil Conservation Division
Hoyt Pattison	Member-at-Large
Matthias Sayer	Department of Game and Fish
John Waters	Member-at-Large
Edward Vigil	Member-at-Large
Jane DeRose-Bamman	Water Utility Authority
Howard Hutchinson	Soil and Water Conservation Commission
John Longworth	Office of the State Engineer

MEMBER ABSENT:

Tony Delfin	State Forestry Division
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OTHERS PRESENT:

Pam Castañeda	Commission Administrator
Wade Jackson	Commission Counsel
Morris Chavez	Hearing Officer

Please see attached sign-in-sheet

The meeting was called to order by Mr. Dominguez at 9:05 a.m.

Item 1. Roll Call.

Roll was taken; a quorum was present.

Mr. Flynn was unable to attend the meeting and asked Mr. Dominguez to serve as Chair.

Item 2. Approve the Agenda.

Action: Mr. Hutchinson moved to approve the agenda. Ms. DeRose-Bamman seconded the motion. The motion passed unanimously.

Item 3. Approval of meeting minutes from August 11, 2015.

Action: Mr. Waters moved to approve the minutes. Mr. Hutchinson seconded the motion. Mr. Dominguez, Ms. DeRose-Bamman, Mr. Pattison and Mr. Tongate did not attend the meeting on August 11, 2015, so they abstained from voting. Mr. Hutchinson moved to table approval of the minutes due to the lack of a quorum for the vote. Mr. Longworth seconded the motion. The motion passed unanimously. Approval of the meeting minutes will be considered at the next meeting.

Item 4. WQCC 15-07 (A). In the Matter of a Petition Appealing the Secretary of the New Mexico Environment's Denial of a Hearing on DP-1793. Motion for Stay, scheduling of Permit Review and appointment of a Hearing Officer.

Action: Kathy Townsend of Kathy Townsend Court Reporters recorded and transcribed the hearing on the Motion for Stay in WQCC 15-07 (A). The transcript is available in the office of the Commission Administrator.

Mr. Hutchinson moved to appoint a Hearing Officer and schedule a hearing. Mr. Waters seconded the motion. Mr. Dominguez asked Ms. Castaneda to take a roll call vote. There were nine in the affirmative; one against. The motion passed.

Jaimie Park, counsel for the Petitioners Communities for Clean Water gave a brief overview of the regulations regarding the permit review. Jennifer Hower with the Office of General Counsel, New Mexico Environment Department, discussed the issues regarding the Motion for Stay. Lara Katz gave a quick background regarding the DP-1793 permit. Mr. Tongate moved to deny the Motion for Stay. Mr. Waters seconded the motion. Mr. Dominguez asked Ms. Castaneda to take a roll call vote. The motion passed unanimously.

Mr. Hutchinson moved to schedule the hearing for December 8, 2015 and to allow the Chair to assign the Hearing Officer. Ms. DeRose-Bamman seconded the motion. Mr. Dominguez asked Ms. Castaneda to take a roll call vote. The motion passed unanimously.

Item 5. WQCC 15-06 (R). In the Matter of Proposed Amendments to 20.7.5 NMAC-Wastewater Facility Construction Loans and 20.7.6 NMAC-Wastewater Facility Construction Loan Policies and Guidelines. Public Hearing.

The Hearing Officer conducted the hearing in accordance with the WQCC rulemaking guidelines.

Kathy Townsend of Kathy Townsend Court Reporters recorded and transcribed the public hearing in WQCC 15-06 (R). The transcript is available in the office of the Commission Administrator.

Mr. Waters moved to approve the Proposed Amendments to 20.7.5 NMAC-Wastewater Facility Construction Loans. Ms. DeRose-Bamman seconded the motion. Mr. Dominguez asked Ms. Castaneda to take a roll call vote. There were nine in the affirmative; one against. Ms. DeRose-Bamman moved that when the final order is issued the Chairman has the authority to sign on behalf of the commission. Mr. Waters seconded the motion. The motion passed unanimously.

Item 6. WQCC 14-05 (R). In the Matter of Proposed Amendment to Standards for Interstate and Intrastate Waters 20.6.4 NMAC. Public Hearing.

The Hearing Officer conducted the hearing in accordance with the WQCC rulemaking guidelines.

Kathy Townsend and Cheryl Arreguin of Kathy Townsend Court Reporters recorded and transcribed the hearing in WQCC 14-05 (R). The transcript is available in the office of the Commission Administrator.

On October 13, 2015, Shelly Lemon, Surface Water Quality Acting Bureau Chief, Kristine Pintado, Mr. Kougioulis, Dr. Dail and Mr. Patten provided testimony on behalf of the Petitioner New Mexico Environment Department.

Mr. Vollmer, Ms. Perrotte, and Ms. Brown provided public comment.

On October 14, 2015, Fulton and Dr. Meyer provided testimony on behalf of Freeport-McMoran Chino Mines Company. Mr. Nylander provided testimony of behalf of San Juan Water Commission. Ms. Fisher and Ms. Fisher provided public comment.

On October 15, 2015, Dr. Gundersen, Ms. Conn and Mr. Gensemer provided testimony on behalf of Amigos Bravos..

Mr. Klingel, Mr. Morgan, Ms. Bonime, Mr. Flood and Ms Diaz-D'ouville by Ms. Naranjo, Ms. "Wan Povi" Sanchez, Ms. Naranjo, Mr. Sanchez, Mr. Vigil, Mr. Brewer, Ms. Chavez, Mr. Calvert, Mr. Ramirez, Ms. Pena, Ms. Loretto, Ms. Tsosie-Pena provided public comment.

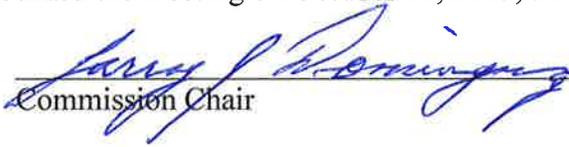
On October 16, 2015, Eric Schlenker-Goodrich on behalf of Amigos Bravos, Charmaine Chappelle on behalf of Freeport McMoran, Jolene McCaleb on behalf of San Juan Water Commission, John Verheul and Katheryn Becker on behalf of the New Mexico Environment Department, and the Water Quality Control Commission conducted cross examination. The Commission will deliberate and consider the proposed rule amendments in January 2016.

Item 7. Next Meeting

Action: December 8, 2015

Item 8. Adjournment

The Acting Chair adjourned the meeting on October 16, 2015, 3:37 p.m.


Commission Chair